



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

declared illegal. Since a corporation may legally be formed for the purpose of erecting and maintaining any number of different plants, there seems to be no serious question as to the legal right of an existing corporation to purchase outright the plants of others and thus effect an organization similar to that of the Standard Oil Company or the United States Steel Corporation. See *Trenton Potteries v. Oliphant*, 58 N. J. Eq. 507. The controversy as to the legality of trade combinations is, therefore, mainly reduced at the present time to a consideration of holding corporations and other corporate bodies in which the interests of separate corporations are united, the constituent bodies continuing to exist,—in other words, to a consideration of intercorporate relations; and to this topic the present work is chiefly addressed.

Judge Noyes divides his subject into five main heads as follows: I. Consolidation of Corporations; II. Corporate Sales; III. Corporate Leases; IV. Corporate Stockholding and Control; V. Combination of Corporations. The treatment of the first three topics is lucid and concise but is not marked by any great independence of discussion. The chief value of the work will be found in the able manner in which the fourth and fifth topics are handled. These are the divisions of the subject which are at present most troublesome and obscure, and these the author properly elaborates in greatest detail. Other writers on the subject have generally made conspiracy the test of the validity of all combinations. This test, however, generally proves confusing, and in the last analysis reduces itself to a question of public policy. In the present work the problem is greatly clarified by being stated in its lowest terms at the outset: "The theory of this treatise is that the validity of a combination depends upon considerations of public policy." Thus simplified, the subject is handled in a vigorous and scholarly manner. The argument is concise, yet sufficiently elaborate. The leading cases and the various anti-trust statutes, state and federal, are analyzed, and rules of public policy based on them are deduced. The principles involved receive a keen, judicial treatment, and the whole work can well be said to mark a distinct step in the progress of thought on the subject.

The indexing and the mechanical arrangement of the subject matter are excellent. The citation of cases is complete, and a full summary of all the anti-trust laws is printed in the foot-notes.

JURISPRUDENCE, or The Theory of the Law. By John W. Salmond. London: Stevens & Haynes. 1902. pp. xv, 673. 8vo.

The word "Jurisprudence" has such a tremendous significance that most writers upon the subject have failed through trying to include too much in their treatment of it. Mr. Salmond, after noting that the term may mean either the science of law in general, including civil, international, and natural law, the science of civil law, or the science of the first principles of civil law, confines himself to the last, and therein finds abundant material for analysis and discussion. He has attempted a great work and has achieved a great success. Though the reader may not always agree with the text, he must acknowledge that it is the work of a bold and original thinker and forceful writer.

The book has so many excellences that it is difficult for one to choose any for particular praise. Perhaps the most conspicuous qualities are completeness, balance, and compactness. Nothing is omitted, nothing slighted, and nothing unduly extenuated. The defects of the work—for of course it is not wholly perfect—are rather the results of hasty judgments than of errors in construction or style. The most noticeable are a curious confusion of prescription with statutes of limitation; an abortive chapter on the divisions of the law (perhaps a hopeless subject); and a sustained use of the term "conclusive presumption." It is astonishing to find a modern writer using the term as though it meant something. When A is conclusively presumed from B, then it is the latter that is important as an ultimate fact, and the former is in reality surplusage.

Of the individual chapters that entitled "Intention and Negligence" appears to be the best. Mr. Salmond defines the former as "the foreknowledge of an act coupled with the desire of it," these being the cause of it. Negligence, he says, consists in the mental attitude of undue indifference with respect to one's conduct and its consequences. The element of desire determines to his mind the dividing line between intention and negligence. No amount of foreknowledge of or advertence to results can make an act intentional if those results were not desired. Bravely he fights for his doctrines. Willful negligence does exist, he asserts. It is indifference. Simple negligence, on the other hand, is mere inadvertence. In this he goes farther than many will follow, maintaining, for example, that damage caused by one who drives furiously through a crowd, perceiving the danger but utterly regardless of consequences, is the result of a willfully negligent but not intentional act.

In point of arrangement the book leaves little to be desired. In construction it contains many excellent novelties. Careful summaries of all the chapters give casual readers a feeling of comfortable assurance that they will not overlook anything of importance, and equally frequent lists of selected references afford students convenient opportunities for extending their knowledge upon points of peculiar interest or difficulty.

MASON ON HIGHWAYS, containing the New York Highway Law and all Constitutional and General Statutory Provisions relating to Highways; Highway Officers, their Powers and Duties, including the Good Roads Law of 1898 and 1901, as amended to the Session of 1903; with Annotations and Forms. By Herbert Delavan Mason. Albany: Banks and Company, 1902. pp. xxxi, 322. 8vo.

The scope of this little volume is well indicated by the complete title. The author has set himself the limited task of re-stating, with helpful annotations, the New York statutory and constitutional provisions concerning highways, and of preparing such forms as may be needed by all who have occasion to act under these laws.

In the first part of the work he has reprinted the New York Highway Law of 1890 as amended to 1903. Under each section there are careful annotations comprising extensive cross-references, references to the prior enactments which form the basis of the present law, numerous references to other acts such as the Town Law and the County Law, and, finally, a brief statement of the substance of all New York decisions bearing on the subject matter of the section considered. It may be suggested that the value of the work as a reference manual would perhaps have been enhanced if the somewhat heterogeneous matter embraced in these citations had been classified under appropriate headings.

In the next part of the book are found, with only occasional references or citations by the author, such provisions of the State Constitution, the County Law, and the Town Law, as relate to highways, together with a few miscellaneous enactments on the same subject.

The third part of the work should prove of considerable usefulness, especially to the many public officers acting under the highway laws. Here are gathered, under references to the statutory provisions in connection with which they are to be used, one hundred and twenty-four forms prepared by the author, — the sufficiency of many of them, as he states, having already been tested in the courts. The book is made complete by a table of cases cited, a general index, and an index to the forms.